

REMARKS

By this submission pending claim 18 is amended. No new matter is introduced by the submitted amendments.

It is requested in view of the now submitted amendments and the following discussions that all rejections reported in the outstanding Office action be reconsidered and not repeated in any further action issued from this application.

Claim Rejections Under 35 USC §102

It is reported that claims 18 and 19 are rejected under 35 USC §102(b) as being anticipated by US Patent 4,707,024 (Schräder). These reported rejections are believed overcome in view of the following discussions and by now submitted amendments clarifying recited subject matter for independent claim 18 from which the other anticipation rejected claim depends.

Attention exclusively is invited here to rejected independent claim 18 because if an independent claim reported as rejected for being believed to be anticipated subsequently is amended to clarify recitation of allowable subject matter over cited patent(s) then all claims dependent from that amended independent claim also recite allowable subject matter. At this point in the prosecution, all anticipation reported rejections of dependent claims are directed to a claim dependent from independent base claim 18.

These conclusions concerning overcoming reported anticipation rejections, in at least part, are premised from the fact that:

[F]or [there to be] anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added, MPEP §706.02)

As to such dependent claims also reciting allowable subject matter this part of the conclusions is premised, at least in part, in the case of anticipation rejections from 35 USC §112, paragraph 4, where it is directed that a "claim in dependent form shall be construed to incorporate by reference all the limitations of the base claim to which it refers." Thus, rejected dependent claims include every limitation recited in

their base independent claim that are not disclosed or inherent in an relied on reference.

Certain claim 18 recitations, as amended for clarity, are pointed out here before addressing Schräder disclosures. In particular, pointed out here are the recitations that the belts “installed permanently in the vehicle” are “provided with fittings which make it possible to fix an end of a belt onto the shell of the vehicle seat or the plate or to connect the belts to one another.” Support for these clarified amended recitations include filed specification disclosures on page 7, lines 1 et seq. and Figure 14.

Now turning to Schräder, it is stated in the Office action that: “Schräder discloses in figures 1-8 a safety seat that anticipates an emergency support comprising a solid structure formed by a shell 1 of a vehicle seat (the seat is used in a vehicle) slits (32 and the slits between 5) and fittings 5.”

Nowhere in Schräder is it taught or implied that an emergency system include belts having fittings capable of being fixed to a seat shell. Schräder discloses belts having vehicle fixation points, e.g., belts 28, 29 and 30, also see Schräder Fig 5. However, Schräder fails to make any explicit, or implied, disclosure for incorporating any fitting to any belt to fix such belt to a seat shell. Furthermore, Schräder fails to teach or imply that any such belt have a fixation point to a vehicle that is facing away from a user seated in the shell.

With respect to Schräder strap(s) 33, it is pointed out that these are carrying straps that extend into receiving slits 32 (see Fig 1). These carrying straps 33 do not constitute a safety belt system because the belts are not fixed or permanently installed to a vehicle body as recited in now pending claim 18. Instead, the Schräder carrying straps 33 are detachably mounted in connection with the seat shell 1, and could not be used as safety belts fixed to a vehicle body as is explicitly disclosed in Schräder at col. 5, lines 39-50. Indeed, Schräder describes the carrying straps 33 as extending into slits 32 (see Fig 1) and not as being guided through the receiving slits 32 since the straps do not appear on the front side of the seat shell 1.

With the failures to disclose or imply the belt fittings and non-anticipatory disclosures for the carrying straps 33, Schräder is not a proper 35 USC §102 reference, and it effectively teaches away from the now recited subject matter.

Claim Rejections Under 35 USC §103

It is reported that claim 20 is rejected under 35 USC §103(a) as being unpatentable over Schräder in view of US Patent 4,281,958 (Molski), along with US Patent 5,857,832 (Al-Temen et al.). In view of now submitted amendments clarifying recited subject matter in independent claim 18 and below provided discussions, it is believed the reported obviousness rejection is overcome.

The reported rejection is exclusively directed to claim 20, and this is a claim that is dependent from base independent claim 18. This base independent claim 18 is not reported as obvious under 35 USC §103, but it is reported as being anticipated under 35 USC §102. As discussed above, now amended independent claim 18 is believed to overcome the reported anticipation rejection. Further, since a dependent claim includes all limitations recited in a base independent claim (35 USC §112, paragraph 4), the references, other than Schräder, have been studied, and based on those studies no proper combination with Schräder is believed to render now pending claim 18 obvious. So claim 18 is believed to be neither anticipated or obvious in view of cited references.

These circumstances for independent claim 18 render the dependent claim reported as being obvious to also recite allowable subject matter:

Dependent claims are nonobvious under 103 if the independent claims from which they depend are nonobvious. (Citations omitted, In re Fine, 5 USPQ2d 1596, 1600 (Fed. Cir., 1988))

Therefore, it is believed that the reported rejection of claim 20 under 35 USC §103 is overcome.

CONCLUSION

In light of the above discussions, it is believed that all now amended and previously pending claims are in condition for allowance and a notice of the same is requested. Should the Examiner have any question, request or suggestion, he is invited to contact the undersigned attorney at the telephone number set out below.

Respectfully submitted,

Date: December 6, 2004



Thomas S. Hahn
Registration No. 30,845

Fulbright & Jaworski L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2615
Telephone No. (202) 662-0278